

REMARKS

Reconsideration and withdrawal of the rejections set forth in the above-mentioned Official Action in view of the foregoing amendments and the following remarks are respectfully requested.

Claims 1-48 remain pending in the application. Claims 1-24 have been withdrawn from consideration. Of the remaining claims, Claims 25 and 36 are independent and have been amended herein.

Claims 25-27, 30, 33-38, 41, and 44-46 were rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,515,697 (Yamada et al.) in view of U.S. Patent No. 6,111,662 (Satoh et al.), and further in view of U.S. Patent No. 5,432,871 (Novik). Claims 28 and 39 were rejected under § 103 as being unpatentable over Yamada et al. in view of Satoh et al. and Novik in further view of U.S. Patent No. 6,188,431 (Oie). Claims 29, 31, 32, 40, 42, and 43 were rejected under § 103 as being unpatentable over Yamada et al. in view of Satoh et al. and Novik and further in view of U.S. Patent No. 6,282,362 (Murphy et al.). Claims 47 and 48 were rejected under § 103 as being unpatentable over Yamada et al. in view of Satoh et al. and Novik and further in view of U.S. Patent No. 6,300,976 (Fukuoka). These rejections are respectfully traversed.

As discussed previously, and as recognized by the Examiner, the digital camera of Yamada et al. does not transfer to an external apparatus data amount information indicating the amount of target image data and information of a priority order of the target image data, as is recited in independent Claim 25. Likewise, Yamada et al. does not disclose or suggest receiving from an external apparatus a transfer including data amount information indicating the amount of target image data and information of a priority order of the target image data to be received from the external apparatus, as is recited in independent Claim 36. Since Yamada et al. does not transfer or receive information of the

priority order, Yamada et al. can also not disclose or suggest that the information of the priority order reflects an order of transmission of the target image data intended by a first user and being input by the first user in the image transmission apparatus or the external apparatus, as is further recited in independent Claims 25 and 36.

Thus, Yamada et al. fails to disclose or suggest important features of the present invention recited in independent Claims 25 and 36.

The electronic imaging apparatus of Satoh et al. can transmit image files and sound files. As noted previously, Figure 33 of Satoh et al. suggests that captured images are transferred in a captured order. Even if Satoh et al. can be considered to perform “labeling images in the order they were captured and transferring the images in the same order they were captured,” as suggested in the Office Action, such cannot be considered information of a priority order that reflects an order of transmission of target image data intended by a first user and being input by the first user in the image transmission apparatus or the external apparatus, as is recited in independent Claims 25 and 36. Thus, Satoh et al. fails to remedy the deficiencies of Yamada et al. noted above with respect to independent Claims 25 and 36.

The remaining citations have also been reviewed, but are not believed to remedy the deficiencies of the citations discussed above.

Thus, independent Claims 25 and 36 are patentable over the citations of record. Reconsideration and withdrawal of the § 103 rejections are respectfully requested.

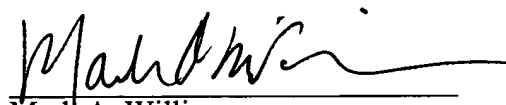
For the foregoing reasons, Applicant respectfully submits that the present invention is patentably defined by independent Claims 25 and 36. Dependent Claims 26-35 and 37-48 are also allowable, in their own right, for defining features of the present invention in addition to those recited in their respective independent claims. Individual consideration of the dependent claims is requested.

Applicant submits submit that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowability are requested.

This Amendment After Final Rejection is an earnest attempt to advance prosecution and reduce the number of issues, and is believed to clearly place this application in condition for allowance. This Amendment was not earlier presented because Applicants earnestly believed that the prior Amendment placed the subject application in condition for allowance. Accordingly, entry of this Amendment under 37 CFR 1.116 is respectfully requested.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Mark A. Williamson
Attorney for Applicant
Registration No. 33,628

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

MAW/agn

DC_MAIN 244693v1